

## Hazardous Materials Disqualifications

### Disqualifying crimes that pose a potential threat to the nation's transportation network

Beginning January 31, 2005, any CDL holder who wishes to apply for an original "H" endorsement, must submit biographical information and fingerprints so the Transportation Security Administration can complete a criminal history records check on the individual. For renewals and out-of-state transfers, this requirement will be effective May 31, 2005.

The following list of crimes, identified in 49 CFR 1572.103, disqualify you from an "H" endorsement. All of the crimes listed are disqualifying regardless of the jurisdiction; civilian or military.

**These crimes disqualify you for 7 years** if you were convicted during the 7 years before the date of your application or you were released from incarceration for any of these crimes during the 5 years before the date of your application:

Arson	Dishonesty, fraud, or misrepresentation, including identity fraud
Assault with intent to murder	Robbery
Kidnapping or hostage taking	Bribery
Rape or aggravated sexual abuse	Smuggling
Extortion	Immigration violations
Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer shipping, transporting delivery, import, export of, or dealing in a firearm or other weapon	Conspiracy or attempt to commit any of the crimes listed
Distribution of, possession with intent to distribute, or importation of a controlled substance	Violations of the Racketeer Influenced and Corrupt Organizations Act; 18 U.S.C 1961, et seq. or a State law that is comparable, other than the violations listed in paragraph (a)(10) of this section

### These crimes disqualify you for a lifetime:

Any crime listed in 18 U.S.C. Chapter 1138 – Terrorism, or a State law that is comparable	Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device
Espionage	Sedition
Treason	Murder
Violations of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. 1961, et seq., or a State law that is comparable, where one of the predicate acts found by jury or admitted by the defendant, consists of one of the offenses in paragraphs (a)(4) or (a)(8) of this section	Conspiracy or attempt to commit crimes listed
A crime involving a transportation security incident	Improper transportation of a hazardous material under 49 U.S.C 5124 or a State law that is comparable

Federal regulations under 49 CFR 1572.5(b) require you to notify the State of Wisconsin within 24 hours if you are convicted, or found not guilty by reason of insanity, of any disqualifying crime, or adjudicated as a mental defective or committed to a mental institution, while you hold a hazardous materials endorsement. You may voluntarily surrender your "H" endorsement at anytime by visiting a Wisconsin DMV Service Center.

**Privacy Act Notice:** *Authority:* The authority for collecting this information is 49 U.S.C. 114, 40113, and 49 U.S.C. 5103a. *Purpose:* This information is needed to verify your identity and to conduct a security threat assessment to evaluate your suitability for a hazardous materials endorsement for a commercial drivers license. Your Social Security Number (SSN) or alien registration number will be used as your identification number in this process and to verify your identity. Furnishing this information, including your SSN or alien registration number, is voluntary; however, failure to provide it will prevent the completion of your security threat assessment, without which you may not be granted a hazardous materials endorsement. *Routine Uses:* Routine uses of this information include disclosure to the FBI to retrieve your criminal history record; to TSA contractors or other agents who are providing services relating to the security threat assessments; to appropriate governmental agencies for licensing, law enforcement, or security purposes, or in the interests of national security; and to foreign and international governmental authorities in accordance with law and international agreement.